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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,835	08/30/2001	John Robertson Tower	SAR 14108	9999
26581	7590	12/17/2003	EXAMINER	
RATNERPRESTIA P.O. BOX 980 VALLEY FORGE, PA 19482-0980				GEBREMARIAM, SAMUEL A
		ART UNIT		PAPER NUMBER
		2811		

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.	09/942,835	Applicant(s)	TOWER ET AL.
Examiner	Samuel A Gebremariam	Art Unit	2811

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 24 October 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-18,20,21,31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18,20,21,31 and 32 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

**DETAILED ACTION*****Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 2, 7 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, 2, 7 and 11, it is not clear how the at least two gate electrodes define the at least two charge wells. Is applicant trying to state that there are charge wells under respective gate electrodes?

3. In claims 1, 2, 7 and 11 applicant recites the limitation of "means for stabilizing the inter-electrode gap". How is a non-stable inter-electrode gap different than a stabilized inter-electrode gap?

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujii US patent No. 4,952,523.

Regarding claim 1, Fujii teaches (figs. 8 and 9) a charge coupled device made on a substrate of a first conductivity type (10), the charge coupled device comprising: a

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dielectric layer (12) overlaying at least a portion of the substrate, and at least two gate electrodes (42, 44) overlaying the dielectric layer, the at least two gate electrodes defining at least two charge wells (32) and (34, 36), the at least two gate electrodes being separated by an inter-electrode gap (the gap between 42 and 44) and means for stabilizing the inter-electrode gap.

The recitation of "a charge coupled device made according to a standard CMOS process on a substrate of a first conductivity type" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Regarding claim 2, Fujii teaches (figs. 8 and 9) substantially the entire claimed structure of claim 1 above including the at least two charge well areas are formed in a semiconductor material of a first conductivity type (10) and the means for stabilizing the inter-electrode gap includes a semiconductor region of the first conductivity type (34, 36) but having a different dopant concentration than the substrate, in the inter-electrode gap (col. 8, lines 45-62).

Regarding claim 31, Fujii teaches (figs. 8 and 9) substantially the entire claimed structure of claim 1 above including an n-channel region (32). Furthermore the channel region (32) is an n well region.

Regarding claim 32, Fujii teaches (fig. 6) substantially the entire claimed structure of claim 1 above including the at least two gate electrodes include polysilicon gate electrodes (column, 11, lines 10-14).

Claims 3-8, 11-13, 18, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujii in view of Ohsawa et al. US patent No. 5,210,433.

Regarding claim 3, Fujii teaches (figs. 8 and 9) substantially the entire claimed structure of claim 1 above except explicitly stating that a further dielectric layer formed over the at least two gate electrodes; and a further gate electrode formed overlying the further dielectric layer and positioned over the inter-electrode gap.

Ohsawa teaches forming dielectric layer (44) over at least two gate electrodes (80) and forming a further electrode (82a) overlying the further dielectric layer and positioned over the inter-electrode gap (region between electrodes 80).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the further dielectric layer and the further gate electrode taught by Ohsawa in the structure of Fujii in order to control the gap potential.

Regarding claim 4, Fujii teaches substantially the entire claimed structure of claim 1 above including the further dielectric layer is a gate oxide.

CMOS gate oxide layer and gate oxide layers are taken to be the same. There is no evidence to suggest that a CMOS gate oxide layer is different than a gate oxide layer.

Regarding claim 5, Fujii teaches substantially the entire claimed structure of claim 1 above including the further gate electrode is formed of a metal layer (fig. 11, Ohsawa).

Regarding claim 6, Fujii teaches substantially the entire claimed structure of claim 1 above including the at least two charge well areas are formed in a semiconductor material of the first conductivity type (10) and the charge coupled device further includes a semiconductor region of the first conductivity type (34, 36), formed in the semiconductor material beneath the inter-electrode gap, and having a different dopant concentration than the semiconductor material forming the at least two charge well areas (col. 8, lines 45-62, Fujii).

Regarding claim 7, Fujii teaches substantially the entire claimed structure of claim 1 above including the means for stabilizing the inter-electrode gap includes means for applying respective bias potentials to the at least two gate electrodes, the bias potentials being sufficient to cause fringing fields from the at least two gate electrodes to extend into the inters electrode gap.

Ohsawa teaches (fig. 11) means for controlling gap potential. Therefore the combined structure of Fujii and Ohsawa inherently cause fringing fields as claimed in the gap region.

Regarding claim 8, Fujii teaches substantially the entire claimed structure of claim 1 above including the charge coupled device further comprises: a well region of a first conductivity type (32), adjacent to the photogate for forming a charge barrier well, the charge barrier well being configured to divert photocarriers into at least the

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photogate; and a diffusion region of a second conductivity type (12), different from the first conductivity type, the diffusion region being formed inside the charge barrier well and being configured as an anti-blooming drain.

The limitation that the diffusion region being formed inside the charge barrier well and being configured as an anti-blooming drain is not given patentable weight. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Regarding claims 9 and 10, Fujii teaches substantially the entire claimed structure of claim 1 above except explicitly stating that a further well region of the first conductivity type, the further well region forming a further charge barrier well; and a plurality of further diffusion regions of second conductivity type in the further charge barrier well, the plurality of further diffusion regions forming a charge sink.

It is conventional in the art to form more than one well and barrier region in order to form charge coupled device.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form more wells and charge barrier regions in the structure of Fujii in order to form a functional device.

Regarding claim 11, Fujii teaches a charge coupled device (CCD) array, the array being formed of a plurality of single polysilicon CMOS pixels, each pixel including, a first dielectric layer (12) overlaying the substrate; at least two gate electrodes (42, 44) overlaying the first dielectric layer and defining at least two charge wells (32) and (34, 36), respectively, wherein adjacent ones of the at least two gate electrodes are separated by an inter-electrode gap, a combination of one of the at least two charge wells and its respective overlaying gate electrode forming a photogate optical sensor and a combination of another one of the at least two charge wells and its respective overlaying gate electrode forming a transfer gate; and means for stabilizing the inter-electrode gap.

The recitation "an optical sensor circuit for receiving photocarriers from a source" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Regarding claims 12-15, Fujii teaches substantially the entire claimed structure of claims 1, 2, 8-11 above including a diffusion region of a second conductivity type (12), different from the first conductivity type, the diffusion region being formed inside the charge barrier well and being configured as an anti-blooming drain.

Claims 16-18, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujii in view of Marsh et al. US patent No. 6,196,932.

Regarding claims 18, 20 and 21, Fujii teaches substantially the entire claimed structure of claims 1, 2, 8 and 11 including that the first and second electrodes are formed of polysilicon (col. 7, lines 54-70).

Fujii does not teach back illuminated imager is shielded from photocarriers generated in response to photons received at the backside of the substrate by the semiconductor junction.

Back illuminated imager is conventional structure that is well known in the art. Furthermore providing shielding structure is also known in the art

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate back illuminated as claimed since backside illuminated image provides a smooth unobstructed entry surface over the entire span of the imaging pixel.

Regarding claims 16 and 17, Fujii teaches a CCD imager array (fig. 8) and optical integration section (fig. 7).

Fujii does not teach a CMOS analog to digital converter coupled to receive image signals from the CCD imager array.

CMOS analog to digital converter are conventional and also taught by Marsh (col. 8, lines 55-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the conventional CMOS ADC structure taught by Marsh in the structure of Fujii.

***Response to Arguments***

5. Applicant's arguments filed 10/24/03 have been fully considered but they are not persuasive. Applicant argues that the dielectric layer of Fujii's structure is not formed according to a standard CMOS process. As discussed above the limitation of forming the dielectric layer according to standard CMOS process is considered as a product by process claim. Since applicant's dielectric layer is not distinctly different from the dielectric layer of Fujii the argument is deemed not persuasive. Further applicant argues that Fujii does not disclose the limitation that the inter-electrode gap has a stabilizing function. In response to applicant's argument that Fujii does not disclose that the inter-electrode gap does not have a stabilizing function, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). Furthermore since Fujii's structure is substantially identical to the claimed structure, it inherently has the stabilizing function.

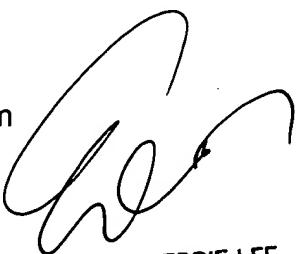
***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel Admassu Gebremariam whose telephone number is 703 305 1913. The examiner can normally be reached on 8:00am-4: 30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lee can be reached on (703) 305-1690. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Samuel Admassu Gebremariam  
December 14, 2003



EDDIE LEE  
SUPERVISORY PATENT EXAMINER  
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